

00-R-1938

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$3,000.00 IN SETTLEMENT OF THE CLAIM
OF CLELLIE G. MCCRARY AGAINST THE CITY OF
ATLANTA**

WHEREAS, CLELLIE G. MCCRARY has filed a claim against the City of Atlanta seeking damages arising out several occurrences of sewer back ups to her property located at 3470 Heritage Valley Road; and

WHEREAS, property owned by **CLELLIE G. MCCRARY** has been damaged due to several occurrences of sewer back ups which occurred on August 11, 1995, September 25, 1997 and December 25, 1998; and

WHEREAS, the City of Atlanta was on notice of said nuisance and yet the City failed to abate said nuisance; and

WHEREAS, inasmuch as the facts disclosed indicate said claim is not based on a claim of negligence, but is a nuisance which is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

WHEREAS, the claimant has asserted damages in the amount of \$3,000.00 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **CLELLIE G. MCCRARY** be settled for the sum of \$3,000.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$23,817.00 be paid by the City of Atlanta in satisfaction of any and all claims **CLELLIE G. MCCRARY** owner of property located at 3470 Heritage Valley Road may have stemming from damages sustained to her property on August 11, 1995, September 27, 1997 and December 25, 1998.

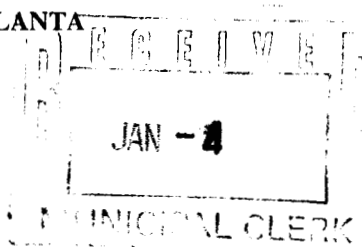
BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Mitchell
~~Debris~~
01/07/99
[Signature]

Today's Date: 12-29-98



Dear Municipal Clerk:

ENTERED - 2-10-99 - SB
99L0059 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3000.00 property ^{and labor} and for
\$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 12-25-98 2. Time of Incident: 3:00 a.m. 3. Police called: Yes ☒ No ☐
(month/day/year).

4. Location of incident (including street address): 3470 Heritage Valley Rd. Atlanta, Ga 30331

5. Name of your insurance company: State Farm Ins. Policy No. 11-E1-8432-0

6. State what and how incident occurred: This is the third incident that that has occurred to my residence. The city has not saw fit to replace any carpet or damage to my property caused by them. This injustice to me is unfair as a senior citizen. I do not think that I have to be subjected to this kind of unsanitary condition due to my illness.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Clellie G. McCrary
Signature of Claimant

Clellie G. McCrary
(Print Claimant's Name)

3470 Heritage Valley Rd
(Address)

Atlanta, Ga. 30331
(City, State and Zip Code)

(Work Number)

(Home Number)

* See attached copy

(404) 344-1975

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 10/11/97

ENTERED - 11/13/097 - tew
97L0641 - ANTHONY G. OAITIS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3000.00 property and/or \$ 500.00 bodily injury for which I contend the City is liable.

1. Date of incident: 9/25/97 (month/day/year). 2. Time of Incident: When we Awaken 8:30 AM 3. Police called: Yes ☒ No ☐

4. Location of incident (including street address): 3470 Heritage Valley Rd S.W. Atlanta, GA. 30331

5. Name of your insurance company: State Farm Policy No. 0127-14358-27

6. State what and how incident occurred: When we Awaken The down stairs was Flooded with water and raw Sewage with back up From Street This the second Time this has happened due to The Negligence of The City

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

X C. Lellie G. McCrory
Signature of Claimant

Clellie G. McCrory
(Print Claimant's Name)

3470 Heritage Valley Rd S.W.
(Address)

Atlanta, GA. 30331
(City, State and Zip Code)

(Work Number)

(Home Number)

10/1/97

To Whom it May Concern

On September 25, 1997 When we Awaken
around 8:30 A.M. The downstairs Was Flooded.
I in Turn Called The Sewage department
They came out around 11:30 around ~~About~~
and proceeded To Take pictures and
Told me They would be back to Clean
up the mess. They came out to
Clean this up around 7:00 pm. We
had to put up with this All day
long the odor + mess, of which
it ruined my sons clothes And
Closet doors There was No reason for
the city To Take All day for up to
put up with the odor + Filth of
raw Sewage, when I pay large Amount of
Taxes. In 1995 This Same Thing
Happened The City did Nothing I have
letters to prove This. I had to Take
up that Carpet After their cleaning and
it has to be replaced. I could Not
Take the odor Also it Needs painting and
deodorizing. It Needs immediate Attention.

P.S. I lost some linen

Thank you